

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation/Petition to
Revoke Probation Against:

CAROL RENEE SALTHOUSE

Respondent.

Case No. 2007-21

OAH No. L-2006090564

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on SEPTEMBER 27, 2007

It is so ORDERED SEPTEMBER 27, 2007



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation/Petition to
Revoke Probation Against:

12 CAROL RENEE SALTHOUSE

13 Respondent.

Case No. 2007-21

OAH No. L-2006090564

14 **STIPULATED SETTLEMENT AND**
15 **DISCIPLINARY ORDER**

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
20 the Board of Registered Nursing. She brought this action solely in her official capacity and is
21 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
22 by Michel W. Valentine, Deputy Attorney General.

23 2. Respondent CAROL SALTHOUSE (Respondent) is representing herself
24 in this proceeding and has chosen not to exercise her right to be represented by counsel.

25 3. On or about August 26, 1994, the Board of Registered Nursing issued
26 Registered Nurse License No. 502528 to CAROL SALTHOUSE (Respondent). The license was
27 in full force and effect at all times relevant to the charges brought in Accusation No. 2007-21,
28 and will expire on October 31, 2007, unless renewed.

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2 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
3 A full and detailed account of any and all violations of law shall be reported by Respondent to
4 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
5 compliance with this term, Respondent shall submit completed fingerprint forms and fingerprint
6 fees within 45 days of the effective date of the decision, unless previously submitted as part of
7 the licensure application process. Respondent shall submit a recent 2"x 2" photograph of herself
8 within 45 days of the effective date of the final decision.

9 2. **Comply with the Board's Probation Program.** Respondent shall fully
10 comply with the conditions of the Probation Program established by the Board and cooperate
11 with representatives of the Board in its monitoring and investigation of the Respondent's
12 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
13 within no more than 15 days of any address change and shall at all times maintain an active,
14 current license status with the Board, including during any period of suspension.

15 3. **Report in Person.** Respondent, during the period of probation, shall
16 appear in person at interviews/meetings as directed by the Board or its designated
17 representatives.

18 4. **Residency, Practice, or Licensure Outside of State.** Periods of
19 residency or practice as a registered nurse outside of California shall not apply toward a reduction
20 of this probation time period. Respondent's probation is tolled, if and when she resides outside
21 of California. Respondent must provide written notice to the Board within 15 days of any change
22 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
23 returning to practice in this state.

24 Respondent shall provide a list of all states and territories where she has ever been
25 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
26 provide information regarding the status of each license and any changes in such license status
27 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
28 new nursing license during the term of probation.

1 5. **Submit Written Reports.** Respondent, during the period of probation,
2 shall submit or cause to be submitted such written reports/declarations and verification of actions
3 under penalty of perjury, as required by the Board. These reports/declarations shall contain
4 statements relative to Respondent's compliance with all the conditions of the Board's Probation
5 Program. Respondent shall immediately execute all release of information forms as may be
6 required by the Board or its representatives.

7 8. **Provide Decision.** Respondent shall provide a copy of this Decision to
8 the nursing regulatory agency in every state and territory in which she has a registered nurse
9 license.

10 6. **Function as a Registered Nurse.** Respondent, during the period of
11 probation, shall engage in the practice of registered nursing in California for a minimum of 24
12 hours per week for 6 consecutive months or as determined by the Board.

13 For purposes of compliance with the section, "engage in the practice of registered
14 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
15 work in any non-direct patient care position that requires licensure as a registered nurse.

16 The Board may require that advanced practice nurses engage in advanced practice
17 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
18 Board.

19 If Respondent has not complied with this condition during the probationary term,
20 and Respondent has presented sufficient documentation of her good faith efforts to comply with
21 this condition, and if no other conditions have been violated, the Board, in its discretion, may
22 grant an extension of Respondent's probation period up to one year without further hearing in
23 order to comply with this condition. During the one year extension, all original conditions of
24 probation shall apply.

25 7. **Employment Approval and Reporting Requirements.** Respondent
26 shall obtain prior approval from the Board before commencing or continuing any employment,
27 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
28 performance evaluations and other employment related reports as a registered nurse upon request

1 of the Board.

2 Respondent shall provide a copy of this Decision to her employer and immediate
3 supervisors prior to commencement of any nursing or other health care related employment.

4 In addition to the above, Respondent shall notify the Board in writing within
5 seventy-two (72) hours after she obtains any nursing or other health care related employment.
6 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
7 terminated or separated, regardless of cause, from any nursing, or other health care related
8 employment with a full explanation of the circumstances surrounding the termination or
9 separation.

10 8. **Supervision.** Respondent shall obtain prior approval from the Board
11 regarding Respondent's level of supervision and/or collaboration before commencing or
12 continuing any employment as a registered nurse, or education and training that includes patient
13 care.

14 Respondent shall practice only under the direct supervision of a registered nurse
15 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
16 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
17 are approved.

18 Respondent's level of supervision and/or collaboration may include, but is not
19 limited to the following:

20 (a) Maximum - The individual providing supervision and/or collaboration is
21 present in the patient care area or in any other work setting at all times.

22 (b) Moderate - The individual providing supervision and/or collaboration is in
23 the patient care unit or in any other work setting at least half the hours Respondent works.

24 (c) Minimum - The individual providing supervision and/or collaboration has
25 person-to-person communication with Respondent at least twice during each shift worked.

26 (d) Home Health Care - If Respondent is approved to work in the home health
27 care setting, the individual providing supervision and/or collaboration shall have person-to-
28 person communication with Respondent as required by the Board each work day. Respondent

1 shall maintain telephone or other telecommunication contact with the individual providing
2 supervision and/or collaboration as required by the Board during each work day. The individual
3 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
4 site visits to patients' homes visited by Respondent with or without Respondent present.

5 9. **Employment Limitations.** Respondent shall not work for a nurse's
6 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
7 traveling nurse, or for an in-house nursing pool.

8 Respondent shall not work for a licensed home health agency as a visiting nurse
9 unless the registered nursing supervision and other protections for home visits have been
10 approved by the Board. Respondent shall not work in any other registered nursing occupation
11 where home visits are required.

12 Respondent shall not work in any health care setting as a supervisor of registered
13 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
14 nurses and/or unlicensed assistive personnel on a case-by-case basis.

15 Respondent shall not work as a faculty member in an approved school of nursing
16 or as an instructor in a Board approved continuing education program.

17 Respondent shall work only on a regularly assigned, identified and predetermined
18 worksite(s) and shall not work in a float capacity.

19 If Respondent is working or intends to work in excess of 40 hours per week, the
20 Board may request documentation to determine whether there should be restrictions on the hours
21 of work.

22 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
23 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
24 than six months prior to the end of her probationary term.

25 Respondent shall obtain prior approval from the Board before enrolling in the
26 course(s). Respondent shall submit to the Board the original transcripts or certificates of
27 completion for the above required course(s). The Board shall return the original documents to
28 Respondent after photocopying them for its records.

1 11. **License Surrender.** During Respondent's term of probation, if she ceases
2 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
3 probation, Respondent may surrender her license to the Board. The Board reserves the right to
4 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
5 take any other action deemed appropriate and reasonable under the circumstances, without
6 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
7 will no longer be subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and
9 shall become a part of Respondent's license history with the Board. A registered nurse whose
10 license has been surrendered may petition the Board for reinstatement no sooner than the
11 following minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any
13 reason other than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15 12. **Physical Examination.** Within 45 days of the effective date of this
16 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
17 physician assistant, who is approved by the Board before the assessment is performed, submit an
18 assessment of the Respondent's physical condition and capability to perform the duties of a
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
20 medically determined, a recommended treatment program will be instituted and followed by the
21 Respondent with the physician, nurse practitioner, or physician assistant providing written
22 reports to the Board on forms provided by the Board.

23 If Respondent is determined to be unable to practice safely as a registered nurse,
24 the licensed physician, nurse practitioner, or physician assistant making this determination shall
25 immediately notify the Board and Respondent by telephone, and the Board shall request that the
26 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
27 shall immediately cease practice and shall not resume practice until notified by the Board.
28 During this period of suspension, Respondent shall not engage in any practice for which a license

1 issued by the Board is required until the Board has notified Respondent that a medical
2 determination permits Respondent to resume practice. This period of suspension will not apply
3 to the reduction of this probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within
5 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
6 practice until notified by the Board. This period of suspension will not apply to the reduction of
7 this probationary time period. The Board may waive or postpone this suspension only if
8 significant, documented evidence of mitigation is provided. Such evidence must establish good
9 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
10 provided. Only one such waiver or extension may be permitted.

11 13. **Participate in Treatment/Rehabilitation Program for Chemical**
12 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
13 period or shall have successfully completed prior to commencement of probation a Board-
14 approved treatment/rehabilitation program of at least six months duration. As required, reports
15 shall be submitted by the program on forms provided by the Board. If Respondent has not
16 completed a Board-approved treatment/rehabilitation program prior to commencement of
17 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
18 a program. If a program is not successfully completed within the first nine months of probation,
19 the Board shall consider Respondent in violation of probation.

20 Based on Board recommendation, each week Respondent shall be required to
21 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
22 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
23 by the Board. If a nurse support group is not available, an additional 12-step meeting or
24 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
25 such attendance to the Board during the entire period of probation. Respondent shall continue
26 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
27 mental health examiner and/or other ongoing recovery groups.

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1 14. **Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
2 shall completely abstain from the possession, injection or consumption by any route of all
3 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
4 the same are ordered by a health care professional legally authorized to do so as part of
5 documented medical treatment. Respondent shall have sent to the Board, in writing and within
6 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
7 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
8 medication will no longer be required, and the effect on the recovery plan, if appropriate.

9 Respondent shall identify for the Board a single physician, nurse practitioner or
10 physician assistant who shall be aware of Respondent's history of substance abuse and will
11 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
12 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
13 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
14 condition. If any substances considered addictive have been prescribed, the report shall identify a
15 program for the time limited use of any such substances.

16 The Board may require the single coordinating physician, nurse practitioner, or
17 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
18 addictive medicine.

19 15. **Submit to Tests and Samples.** Respondent, at her expense, shall
20 participate in a random, biological fluid testing or a drug screening program which the Board
21 approves. The length of time and frequency will be subject to approval by the Board.
22 Respondent is responsible for keeping the Board informed of Respondent's current telephone
23 number at all times. Respondent shall also ensure that messages may be left at the telephone
24 number when she is not available and ensure that reports are submitted directly by the testing
25 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
26 to the Board by the program and Respondent shall be considered in violation of probation.

27 In addition, Respondent, at any time during the period of probation, shall fully
28 cooperate with the Board or any of its representatives, and shall, when requested, submit to such

1 tests and samples as the Board or its representatives may require for the detection of alcohol,
2 narcotics, hypnotics, dangerous drugs, or other controlled substances.

3 If Respondent has a positive drug screen for any substance not legally authorized
4 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
5 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
6 from practice pending the final decision on the petition to revoke probation or the accusation.
7 This period of suspension will not apply to the reduction of this probationary time period.

8 If Respondent fails to participate in a random, biological fluid testing or drug
9 screening program within the specified time frame, Respondent shall immediately cease practice
10 and shall not resume practice until notified by the Board. After taking into account documented
11 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
12 Board may suspend Respondent from practice pending the final decision on the petition to
13 revoke probation or the accusation. This period of suspension will not apply to the reduction of
14 this probationary time period.

15 **16. Mental Health Examination.** Respondent shall, within 45 days of the
16 effective date of this Decision, have a mental health examination including psychological testing
17 as appropriate to determine her capability to perform the duties of a registered nurse. The
18 examination will be performed by a psychiatrist, psychologist or other licensed mental health
19 practitioner approved by the Board. The examining mental health practitioner will submit a
20 written report of that assessment and recommendations to the Board. All costs are the
21 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
22 result of the mental health examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse,
24 the licensed mental health care practitioner making this determination shall immediately notify
25 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
27 practice and may not resume practice until notified by the Board. During this period of
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this
3 probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within
5 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
6 practice until notified by the Board. This period of suspension will not apply to the reduction of
7 this probationary time period. The Board may waive or postpone this suspension only if
8 significant, documented evidence of mitigation is provided. Such evidence must establish good
9 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
10 provided. Only one such waiver or extension may be permitted.

11 **17. Therapy or Counseling Program.** Respondent, at her expense, shall
12 participate in an on-going counseling program until such time as the Board releases her from this
13 requirement and only upon the recommendation of the counselor. Written progress reports from
14 the counselor will be required at various intervals.

15 **19. Physical Examination.** Within 45 days of the effective date of this
16 decision, respondent, at his/her expense, shall have a licensed physician, nurse practitioner, or
17 physician assistant, who is approved by the Board before the assessment is performed, submit an
18 assessment of the respondent's physical condition and capability to perform the duties of a
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
20 medically determined, a recommended treatment program will be instituted and followed by the
21 respondent with the physician, nurse practitioner, or physician assistant providing written reports
22 on forms provided by the Board.

23 **20. Violation of Probation.** If Respondent violates the conditions of her
24 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
25 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
26 license.

27 If during the period of probation, an accusation or petition to revoke probation has
28 been filed against Respondent's license or the Attorney General's Office has been requested to

1 prepare an accusation or petition to revoke probation against Respondent's license, the
2 probationary period shall automatically be extended and shall not expire until the accusation or
3 petition has been acted upon by the Board. Upon successful completion of probation, the
4 Respondent's will be restored.

5 ACCEPTANCE

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I
7 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
8 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
9 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

10 DATED: 3/16/07

11 
12 CAROL SALTHOUSE (Respondent)
13 Respondent
14

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
18 Affairs.

19
20 DATED: 3/7/07

21 EDMUND G. BROWN JR., Attorney General
22 of the State of California

23 GLORIA A. BARRIOS
24 Supervising Deputy Attorney General


25 
26 MICHEL W. VALENTINE
27 Deputy Attorney General
28 Attorneys for Complainant

Exhibit A

Accusation/Petition to Revoke Probation No. 2007-21

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHEL W. VALENTINE, State Bar No. 153078
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
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6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation and Petition to
11 Revoke Probation Against:

12 CAROL RENEE SALTHOUSE
1062 Leslie Court
Colton, CA 92324

13 Registered Nurse License No. 502528

14 Respondent.

Case No. 2007-21

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

16
17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation and
20 Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board
21 of Registered Nursing, Department of Consumer Affairs.

22 2. On or about August 26, 1994, the Board of Registered Nursing issued
23 Registered Nurse License No. 502528 to Carol Renee Salthouse (Respondent). Effective
24 November 19, 2001, Registered Nurse License No. 502528 was revoked. However revocation
25 was stayed and Respondent was placed on probation for five (5) years with terms and conditions.
26 The license will expire on October 31, 2007, unless renewed.

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1 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
2 under this chapter to do any of the following:

3 “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
4 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
5 or administer to another, any controlled substance as defined in Division 10 (commencing with
6 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
7 defined in Section 4022.”

8 8. California Code of Regulations, title 16, section 1442, states:

9 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
10 departure from the standard of care which, under similar circumstances, would have ordinarily
11 been exercised by a competent registered nurse. Such an extreme departure means the repeated
12 failure to provide nursing care as required or failure to provide care or to exercise ordinary
13 precaution in a single situation which the nurse knew, or should have known, could have
14 jeopardized the client's health or life."

15 9. California Code of Regulations, title 16, section 1443, states:

16 "As used in Section 2761 of the code, 'incompetence' means the lack of possession
17 of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed
18 and exercised by a competent registered nurse as described in Section 1443.5."

19 10. California Code of Regulations, title 16, section 1443.5 states:

20 "A registered nurse shall be considered to be competent when he/she consistently
21 demonstrates the ability to transfer scientific knowledge from social, biological and physical
22 sciences in applying the nursing process, as follows:

23 "(1) Formulates a nursing diagnosis through observation of the client's physical
24 condition and behavior, and through interpretation of information obtained from the client and
25 others, including the health team.

26 "(2) Formulates a care plan, in collaboration with the client, which ensures that
27 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
28 protection, and for disease prevention and restorative measures.

1 "(3) Performs skills essential to the kind of nursing action to be taken, explains
2 the health treatment to the client and family and teaches the client and family how to care for the
3 client's health needs.

4 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
5 subordinates and on the preparation and capability needed in the tasks to be delegated, and
6 effectively supervises nursing care being given by subordinates.

7 "(5) Evaluates the effectiveness of the care plan through observation of the
8 client's physical condition and behavior, signs and symptoms of illness, and reactions to
9 treatment and through communication with the client and health team members, and modifies the
10 plan as needed.

11 "(6) Acts as the client's advocate, as circumstances require, by initiating action to
12 improve health care or to change decisions or activities which are against the interests or wishes
13 of the client, and by giving the client the opportunity to make informed decisions about health
14 care before it is provided."

15 11. Health and Safety Code section 11170 states, in pertinent part: "no person
16 shall prescribe, administer, or furnish a controlled substance for himself."

17 12. Section 125.3 of the Code provides, in pertinent part, that the Board may
18 request the administrative law judge to direct a licensee found to have committed a violation or
19 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
20 and enforcement of the case.

21 13. CONTROLLED SUBSTANCE

22 a. "Cocaine," is a Schedule I controlled substance as designated by Health
23 and Safety Code section 11054(f)(1).

24 FIRST CAUSE FOR DISCIPLINE

25 (Self-Administered a Controlled Substance)

26 14. Respondent is subject to disciplinary action under section 2761,
27 subdivision (a) on the grounds of unprofessional conduct as defined in Section 2762, subdivision
28 (a) of the Code for violating Health and Safety Code section 11170, in that Respondent tested

1 positive for a controlled substance. On or about November 29, 2005, Respondent submitted to a
2 random drug screening, as part of her probation. The urine sample tested positive for Cocaine.

3 SECOND CAUSE FOR DISCIPLINE

4 (Gross Negligence and/or Incompetence)

5 15. Respondent is subject to disciplinary action under section 2761,
6 subdivision (a)(1), of the Code on the grounds of unprofessional conduct, in that while on duty as
7 a registered nurse at the Legacy Post-Acute Rehabilitation Center, in San Bernardino, California,
8 Respondent was guilty of grossly negligent and/or incompetence in her duties as a registered
9 nurse, within the meaning of California Code of Regulations, title 16, section 1442, as defined in
10 California Code of Regulations, title 16, section 1443.5. The circumstances are as follows:

11 Patient A.

12 a. On or about May 4, 2005, Respondent was in charge of patient A., an
13 elderly diabetic patient. A licensed vocational nurse (LVN) assigned to report to Respondent,
14 told Respondent that patient A. was not responding to stimuli and she was unable to get a blood
15 sugar reading. The LVN asked Respondent for direction. Respondent told her that she did not
16 know what to do.

17 b. Respondent was grossly negligent and/or incompetent in that Respondent
18 failed to look at the patient or review the patient's chart. Respondent's failure to respond to
19 concerns of another nurse had the potential to cause harm to the patient.

20 Patient B.

21 c. On or about May 5, 2005, orders for patient B. to have a nasogastric tube
22 (NGT) inserted was noted by Respondent at 1430 hours. Respondent failed to notify the LVN of
23 the new orders. Respondent's failure to notify the LVN of the new orders and patient B. was
24 without suction into his gut for approximately 14 hours.

25 Patient C.

26 d. On or about May 5, 2005, Respondent was in charge of patient C.
27 Respondent failed to direct LVN in appropriate follow-up and failed to assess patient C., which
28 could have led to delay. When the LVN asked Respondent for direction, Respondent told her she

1 didn't know what to do. Respondent demonstrated gross negligence and/or incompetence in that
2 she failed to provide direction to another nurse and assess the patient.

3 **PETITION TO REVOKE PROBATION**

4 16. In a disciplinary action entitled "In the Matter of the Accusation Against
5 Carol Renee Salthouse, a.k.a. Carol Renee Allen", Case No. 2001-151, the Board of Registered
6 Nursing issued a decision, effective November 19, 2001, in which Respondent's Registered
7 Nursing License was revoked. However, the revocation was stayed and Respondent was placed
8 on probation for five (5) years with terms and conditions. A copy of the decision is attached as
9 Exhibit A and is incorporated herein by reference.

10 The terms and conditions included:

11 Condition B of Probation:

12 "B. COMPLY WITH PROBATION PROGRAM. Respondent shall fully comply
13 with the terms and conditions of the Probation Program established by the Board and cooperate
14 with representatives of the Board in its monitoring and investigation of the respondent's
15 compliance with the Probation Program. Respondent shall inform the Board in writing within no
16 more than 15 days of any address change and shall at all times maintain an active, current license
17 status with the Board, including during any period of suspension."

18 "N. ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)
19 DRUGS. Respondent shall completely abstain from the possession, injection or consumption by
20 any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are
21 ordered by a health care professional legally authorized to do so and are part of documented
22 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
23 days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date
24 the medication was prescribed, the respondent's prognosis, the date the medication will no longer
25 be required, and the effect on the recovery plan, if appropriate."

26 "O. SUBMIT TO TESTS AND SAMPLES. Respondent, at her expense, shall
27 participate in a random, biological fluid testing or a drug screening program which the Board
28 approves. The length of time and frequency will be subject to approval by the Board. The

1 respondent is responsible for keeping the Board informed of respondent's current telephone
2 number at all times. Respondent shall also ensure that messages may be left at the telephone
3 number when she is not available and ensure that reports are submitted directly by the testing
4 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
5 to the Board by the program and the respondent shall be considered in violation of probation.

6 In addition, respondent, at any time during the period of probation, shall fully
7 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
8 tests and samples as the Board or its representatives may require for the detection of alcohol,
9 narcotics, hypnotics, dangerous drugs, or other controlled substances.

10 If respondent has a positive drug screen for any substance not legally authorized
11 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
12 Board files a petition to revoke probation or an accusation, the Board may suspend respondent
13 from practice pending the final decision on the petition to revoke probation or the accusation."

14 GROUNDS FOR REVOKING PROBATION

15 17. Grounds exist for revoking probation and reimposing the Order of
16 revocation of Respondent's Registered Nursing License in that Respondent failed to comply with
17 the following terms of probation:

18 a. Probation Term B: Comply With Probation Program. Respondent failed
19 to fully comply with the Boards' Probation Program. Respondent failed to comply with
20 Probation terms N and O.

21 b. Probation Term N: Abstain From Use of Psychotropic (Mood-Altering
22 Drugs). Respondent failed to abstain from the use of mood-altering drugs, including alcohol by
23 her own admission and by testing positive as follows:

24 November 29, 2005, tested positive for Cocaine.
25 August 22, 2005, tested positive for alcohol.
26 January 3, 2005, tested positive for alcohol.
27 December 27, 2004, tested positive for alcohol.

28 ///

1 c. Probation Term O: Submit to Tests and Samples. Respondent failed to
2 comply with the random drug-screening program by failing to keep to her account current with
3 the lab and failing to test on December 14, 2005.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License No. 502528, issued to
8 Carol Renee Salthouse;

9 2. Ordering Carol Renee Salthouse to pay the Board of Registered Nursing
10 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: 7/14/06

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15
16 Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant
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